

Appn. No.: 10/634,607

REMARKS

Claims 1-22 are pending in the present application. Claims 6, 7, 9, and 14 have been withdrawn in response to an earlier restriction requirement. Claims 1, 4, 15, 16, 19, and 22 have been amended. No new matter is added by the amendments, which find support throughout the specification and figures. In view of the amendments and the following remarks, favorable reconsideration of this case is respectfully requested.

The Office Action rejects claims 1-5, 8, 10-13, and 15-22 under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 1 has been amended to clarify that the electrode material comprises both a proton-conducting compound and a nitrogen-containing heterocyclic compound.

Claims 15 and 16 have been amended into independent form directed to an electrochemical cell, and therefore it is respectfully submitted that the rejection is obviated.

Claims 19 has been amended into independent form directed to a secondary battery, and claim 22 has been amended to recite that the electrochemical cell is arranged in a secondary battery.

It is respectfully submitted that the amendments clarify the subject matter recited in the claims, and therefore the claims as presented are definite.

Claims 1-5, 8, 10-13, and 15-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. 3-182051 to Shinozaki et al. (hereinafter referred to as Shinozaki). Applicants respectfully traverse.

Appln. No.: 10/634,607

Claim 1 relates to an electrode for an electrochemical cell that includes an electrode material including an active material having a proton-conducting compound and a nitrogen-containing heterocyclic compound. In claim 1, *the nitrogen-containing heterocyclic compound is one or more compounds selected from the group consisting of imidazole, triazole, pyrazole, and their derivatives.*

The Examiner asserts that Shinozaki discloses all of the features of claim 1, and of claim 4, from which the features of amended claim 1 are drawn. Shinozaki apparently relates to an electrode including polyaniline and benzimidazole. However, the elements of the group from claim 4 amended into independent claim 1 does not include the element of benzimidazole.

However, Shinozaki does not disclose or suggest a nitrogen-containing heterocyclic compound being one or more compounds selected from the group consisting of imidazole, triazole, pyrazole, and their derivatives. Since Shinozaki does not disclose or suggest any of these compounds, amended claim 1 avoids Shinozaki. It is therefore respectfully submitted that claim 1 is allowable over Shinozaki.

Claims 1-3, 8, 10-13, 15, and 16 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Publication No. 2002/0073534 to Krosaki et al. (hereinafter referred to as Krosaki) or by United States Patent No. 6,641,759 to Harada et al. (hereinafter referred to as Harada). Applicants respectfully traverse.

The amendment to claim 1 adds a feature of claim 4 not disclosed or suggested by Krosaki or Harada. Therefore, claim 1 is allowable over the references.

Each of the independent claims includes features similar to those discussed above in regard to claim 1, and are therefore allowable for at least the same reasons as claim 1 is

Appn. No.: 10/634,607

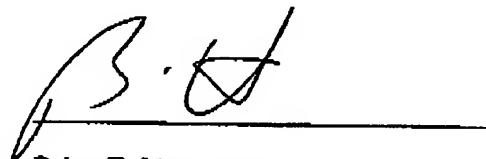
allowable. Each of the dependent claims is allowable for at least the same reasons as their respective base claims are allowable.

CONCLUSION

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Brian E. Hennessey
Reg. No. 51,271

CUSTOMER NO.: 026304

Phone No.: (212) 940-6311
Fax No.: (212) 940-8986/7
DOCKET NO.: NECW 20.531
BEH pm